

Memorandum
with reference
to the Claim of the
Province of Saskatchewan
for
An Extension of Boundaries
to Hudson's Bay

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An Extension of Boundaries
to Hudson's Bay

CERTIFIED COPY OF A MINUTE OF THE EXECUTIVE COUNCIL OF THE PROVINCE
OF SASKATCHEWAN, DATED AT REGINA ON MONDAY, NOVEMBER 5, 1906, AND
APPROVED BY HIS HONOUR THE LIEUTENANT-GOVERNOR.

The Executive Council advises that the Hon. the President of Council, and the Hon. the Attorney General, be authorized, delegated and empowered, on behalf of the Executive Government of Saskatchewan, to present to the Hon. the Privy Council for Canada the claim of this Province to have the north-eastern boundaries of the Province extended to Hudson's Bay by the readdition of those parties of the old Provisional Districts of Saskatchewan and Athabasca which were temporarily withheld from the Province of Saskatchewan upon its establishment, together with that part of the North-west Territories lying between the Nelson River and the sixtieth parallel of north latitude.

(Signed) JOHN A. REID.
Clerk of the Executive Council.

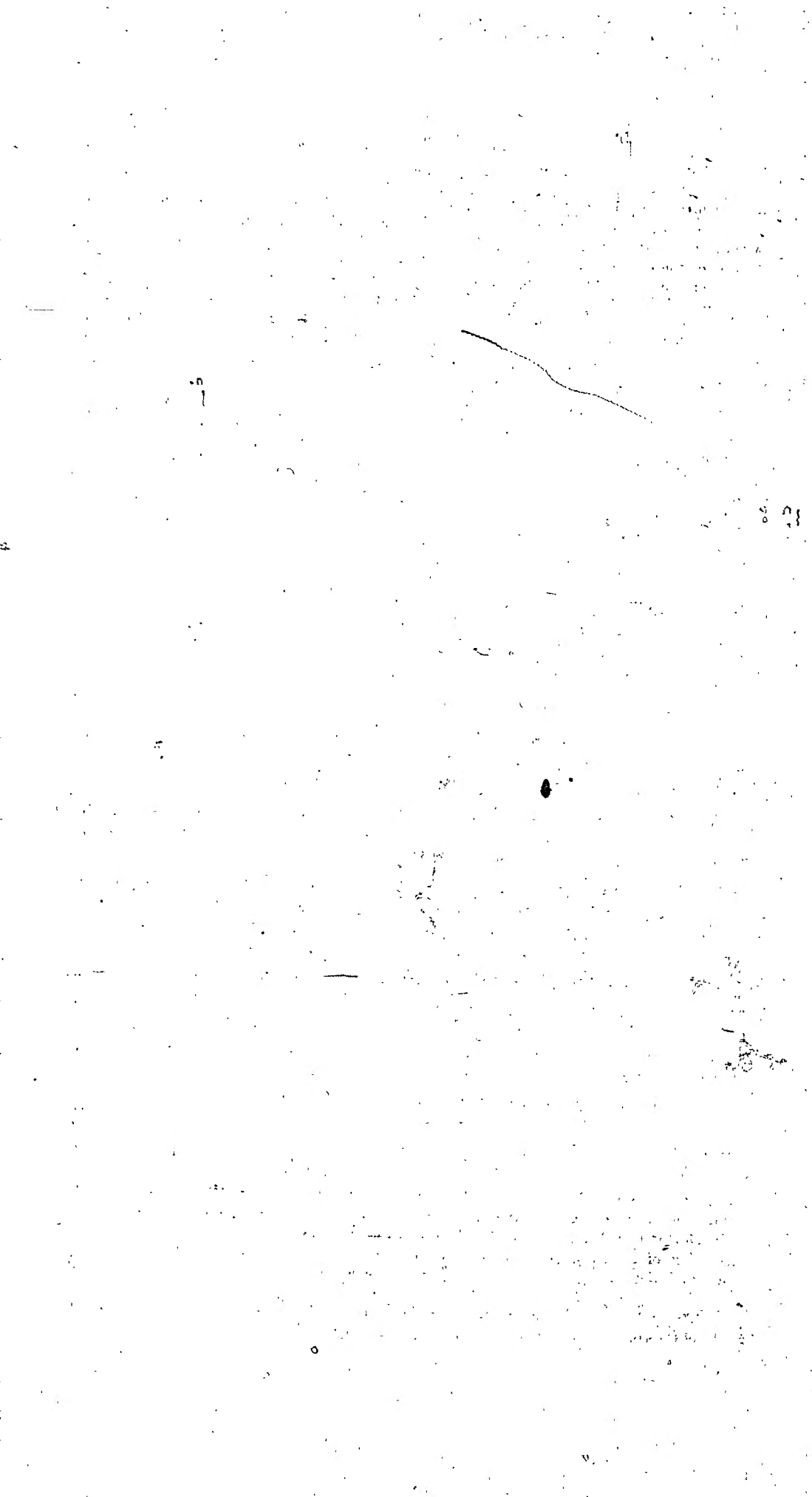
Claim of the Province of Saskatchewan to have certain portions of the
North-west Territories included within the
boundaries of the Province.

The claim of the Province of Saskatchewan to that portion of the Northwest Territories lying immediately to the east of the northern part of the province is not based upon mere sentiment, nor is it founded simply upon a desire for territorial extension.

To understand the exact situation, a brief review of the history of the Western Territories of Canada and the establishment of the provinces therein, including the territory now under consideration, may not be inadvisable.

The British North America Act 1867 (Section 146) made provision for the admission of Rupert's land and the Northwestern Territory into the Union, by Her Majesty, upon an address from the Houses of Parliament in Canada, and subsequently on June 23, 1870, an Order was made by the Queen in Council, admitting Rupert's Land and the Northwestern Territory into the Union. The boundaries of Rupert's Land were never accurately determined, but it was generally understood to comprise the territory watered by streams flowing into Hudson's Bay and Straits, but Rupert's Land and the Northwestern Territory taken together have been defined to be that portion of British America lying north and west of the Provinces of Ontario and Quebec, excepting British Columbia.

Prior to the passing of the Order in Council admitting Rupert's Land and the Northwestern Territory into the Union, the Parliament of Canada, in anticipation of their admission, passed an Act in 1869 (32 and 33 Vic., Cap. 3) which declared that these territories when admitted should be styled and known as "The North-West Territories," and in which provision was made for the temporary government thereof, the Governor in Council being authorized to appoint a Lieutenant-Governor, and empower him to make laws for the peace, order and good government of Her Majesty's subjects therein. In the following year (1870), and a few weeks before the date of the Imperial Order in Council admitting Rupert's Land and the North-Western Territory into the Union, the Parliament of Canada passed an Act (33 Vic. Cap. 3) by Section 1 of which a portion of the said territory was formed into the Province of Manitoba. The boundaries of the Province were as follows:



Commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude,—thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western Territory) to the meridian of ninety-nine degrees west longitude,—thence due north along the said meridian of ninety-nine degrees west longitude, to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude, thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before-mentioned meridian of ninety-six degrees west longitude,—thence due south along the said meridian of ninety-six degrees west longitude to the place of beginning,

By the said Act (Sec. 35) it was enacted that the Lieutenant Governor of Manitoba should be also, but *in an independent capacity*, the Lieutenant-Governor of that portion of Rupert's Land and the North-western Territory not included in the Province of Manitoba, but in the following year (Chap. 16 of 34 Vic.) Parliament gave to the Governor-General in Council authority to appoint a Lieutenant-Governor for the Territories and enacted that "it shall be lawful for the Governor, with the advice of the Privy Council, to authorize and empower such officer as he may from time to time appoint as the Lieutenant-Governor of the North-West Territories, to make provision for the administration of justice therein and make laws and ordinances for the peace, order and good government of Her Majesty's subjects and others" in the said Territories

Under the provisions of this last Act the Lieutenant-Governor of the North-West Territories, upon the advice of his Council, made provision for the administration of justice in various parts of the Territories so far back as March, 1873, by the appointment of Justices of the Peace at (in addition to other points) Moose Factory, Rupert's House, Albany, York Factory, Norway House, East Main, Nelson River, Fort Alexander and James Bay. Some of these places were situate in that part of the Territories which has since become the District of Keewatin but which is now a part of the North-West Territories.

After the erection of a portion of the North-West Territories into the Province of Manitoba the boundaries both of Manitoba and the North-West Territories remained unchanged until the year 1876. In the meantime, however, the Province of Ontario laid claim to a portion of the territory lying east of what is now the Province of Manitoba. This claim was disputed both by the Dominion Government and the Province of Manitoba, and, pending a settlement of the dispute and the fixing definitely of the western boundary of the Province of Ontario, the Parliament of Canada deemed it expedient to detach from the North-West Territories that portion of the territory lying between Ontario and Manitoba including the territory which was in dispute and extending along the west side of Hudson's Bay to the northerly limit of Canada and to form the same into a separate district known as the District of Keewatin. That part of the North-West Territories formed into the District of Keewatin by 39 Vic. Cap. 21 is described as follows:

All that portion of the North-West Territories bounded as follows, that is to say:—Beginning at the western boundary of the Province of Ontario on the International boundary line dividing Canada from the United States of America; thence westerly following upon the said International boundary line to the easterly boundary of the Province of Manitoba; thence due north along the said easterly boundary of Manitoba to the north-east angle of the said Province; thence due west on the north boundary of the said Province to the intersection by the said boundary of the westerly shore of Lake Manitoba; thence northerly following the westerly shore of the said lake to the easterly terminus thereon of the Portage connecting the southerly end of Lake Winnipegosis with the said Lake Manitoba known as "the Meadow Portage"; thence westerly following upon the trail of the said portage to the westerly terminus of the same, being on the easterly shore of the said Lake Winnipegosis; thence northerly following the line of the said easterly shore of the said lake to the southerly end of the portage leading from the head of the said Lake into "Cedar Lake" known as the "Cedar" or "Mossy Portage"; thence northerly following the trail of the said portage to the north end of the same on the shore of Cedar Lake; thence due north to the northerly limits of Canada;

thence easterly following upon the said northerly limits of Canada to the northern extremity of Hudson's Bay; thence southerly following upon the westerly shore of the said Hudson's Bay to the point where it would be intersected by a line drawn due north from the place of beginning, and thence due south on the said line last mentioned to the said place of beginning—shall be and is set apart as a separate district of the said North-West Territories by the name of the District of Keewatin:

Provided always that the Governor in Council may, by proclamation be published in the Canada Gazette, at any time when it may appear to the public advantage to do so, detach any portion of the said district from the same, and re-annex it to that part of the North-West Territories not included in the said district; and the portion so detached shall then be subject to the same government and laws as that part of the said Territories to which it is re-annexed.

Attention is called to the above proviso, because some years later (vide Proclamation of May 7, 1886, as printed on page XLIX Dominion Statutes of 1886) the Governor-General in Council deemed it to be *to the public advantage* to detach from the District of Keewatin that part of the above described territory lying between the westerly boundary line as above described from Cedar Lake north to the eighteenth correction line and the Nelson River, and to re-annex it to the North-West Territories from which date until the establishment of the Province of Saskatchewan the territory formed part of the Provisional District of Saskatchewan, and was under the government and administration of the North-West Territories.

In the year 1881 (by 54 Vic. Cap. 14) the boundaries of Manitoba was altered and extended and the area of the Province greatly increased.

The boundaries were then defined to be as follows:—

Commencing at the intersection of the International boundary dividing Canada from the United States of America by the Centre of the Road Allowance between the twenty-ninth and thirtieth ranges of townships lying west of the first principal meridian in the system of Dominion Land Surveys; thence northerly, following upon the said centre of the said road allowance as the same is or may hereafter be located, defining the said range line on the ground across Townships one to forty-four, both inclusive, to the intersection of the said centre of the said road allowance by the centre of the road allowance on the twelfth base line in the said system of Dominion Land Surveys; thence easterly along the said centre of the road allowance on the twelfth base line, following the same to its intersection by the easterly limit of the District of Keewatin, as defined by the Act thirty-ninth Victoria, Chapter 21, that is to say to a point where the said centre of the road allowance on the twelfth base line would be intersected by a line drawn due north from where the westerly boundary of the Province of Ontario intersects the aforesaid International Boundary Line dividing Canada from the United States of America; thence due south following upon the said line to the International Boundary aforesaid; thence westerly, following upon the said International Boundary line dividing Canada from the United States of America, to the place of beginning," and all the land embraced by the said description not now within the Province of Manitoba shall, from and after the passing of this Act, be added thereto, and the whole shall, from and after the said date, form and be of the Province of Manitoba.

These boundaries were supposed to extend the limits of Manitoba very much farther east than the present eastern boundary, and were intended to include within that Province the western portion of what is now the Province of Ontario, that is, the territory which was in dispute. The disputed territory, however, lying south of the Albany River, Lake St. Joseph and Lac Seul, was awarded to the Province of Ontario and the boundaries of that Province were fixed and determined, by Chapter 28 of 52 and 53 Vic. (Imperial). This restricted the area of Manitoba to some 73,000 square miles. Since the fixing of the Western boundaries of Ontario the boundaries of Manitoba have not been altered.

Before the establishment of the Province of Saskatchewan more than once an incipient agitation commenced within the Province of Manitoba intended to lead to an extension of the boundaries westward, but the feeling of those residents of the North-West Territories most affected

being so determinedly opposed to the proposition the movement always subsided. The feeling of the people of the Territories with respect to this question was on more than one occasion emphatically set forth in resolutions of the Territorial Legislative Assembly.

KEEWATIN.

The decision which gave to the Province of Ontario the territory south of the Albany River and as far west as the Lake of the Woods, limited the District of Keewatin to the territory lying directly north of the Province of Manitoba, and fixed its eastern boundary at a line running north from the western boundary of the Province of Ontario. The boundaries of Keewatin have subsequently been altered. Under the authority given by the Keewatin Act to the Governor in Council to detach any portion of the territory from Keewatin and re-annex it to the North-West Territories, whenever it was for the *public advantage to do so*, the Governor in Council by proclamation, on May 7, 1886, detached that portion of Keewatin lying between Manitoba and the eighteenth correction line and west of the Nelson River, and re-annexed that area to the North-West Territories, and included it in the Provisional District of Saskatchewan.

By Order-in-Council of October 2, 1895, it was decided that legislation should be introduced into the then next following session of Parliament having for its object an addition to the District of Keewatin by the extension of the eastern boundary of Keewatin to take in all the territory lying between the northern boundary of Ontario and Hudson's Bay. The action contemplated was, however, never taken (vide Order-in-Council of December 18, 1897) but by Proclamation of July 24, 1905, the whole of the District of Keewatin was re-annexed to the North-West Territories from September 1, 1905. (vide Canada Gazette of August 19, 1905).

THE NORTH-WEST TERRITORIES.

By an Order-in-Council bearing date May 3, 1882, the Districts of Assiniboia, Alberta, Saskatchewan and Athabasca were established as Provisional Districts out of portions of the North-West Territories, and were severally declared to be bounded as follows:—

Assiniboia: The district of Assiniboia, about 95,000 square miles in extent, to be bounded on the south by the International boundary line, the 49th parallel; on the east by the western boundary of Manitoba; and on the north by the ninth correction line of the Dominion lands system of survey into townships, which is near to the fifty-second parallel of latitude; on the west by the line dividing the tenth and eleventh ranges of townships numbered from the fourth initial meridian.

Saskatchewan: The District of Saskatchewan, about 114,000 square miles in extent, to be bounded on the south by the District of Assiniboia and Manitoba; on the east by Lake Winnipeg and the Nelson river flowing therefrom into Hudson's Bay; on the north by the eighteenth correction line of the Dominion Lands Survey system; and on the west by the line of that system dividing the tenth and eleventh ranges of townships numbered from the fourth initial meridian.

Alberta: The District of Alberta, about 100,000 square miles in extent, to be bounded on the south by the International boundary; on the east by the Districts of Assiniboia and Saskatchewan; on the west by the Province of British Columbia; and on the north by the eighteenth correction line before mentioned, which is near the fifty-fifth parallel of latitude.

Athabasca: The District of Athabasca, about 122,000 square miles in extent, to be bounded on the south by the District of Alberta; on the east by the line between the tenth and eleventh ranges of Dominion Lands townships before mentioned, until in proceeding northward that line intersects the Athabasca River; then by that river and the Athabasca Lake and Slave River, to the intersection of the last with the northern boundary of the district, which is to be the thirty-second correction line of the Dominion lands townships system and is very nearly on the sixtieth parallel of north latitude; westward by the Province of British Columbia.

By Order-in-Council dated October 2, 1895, the Provisional Districts of Athabasca was declared to be bounded as follows:

The District of Athabasca, containing 251,300 square miles, bounded on the south by the Districts of Alberta and Saskatchewan; on the east by the District of Keewatin; on the north by the thirty-second correction line of the Dominion lands system of survey; and on the west by the Province of British Columbia.

In 1898 the Provisional District of the Yukon was detached from the North-west Territories and formed into a separate district under the name of the Yukon Territory and since that time has had a government of its own.

In 1905 the organized portion of the North-West Territories, that is to say, the Provisional Districts of Assiniboia, Saskatchewan, Alberta and Athabasca (with the exception of a small portion of the eastern end of the districts of Saskatchewan and Athabasca) were formed into the Provinces of Alberta and Saskatchewan, the boundaries of which are as follows:—

Alberta: The territory comprised within the following boundaries, that is to say;—Commencing at the intersection of the International boundary dividing Canada from the United States of America by the fourth meridian in the system of Dominion lands surveys; thence westerly along the said International boundary to the eastern boundary of the Province of British Columbia; thence northerly along the said eastern boundary of the Province of British Columbia to the north-east corner of the said Province; thence easterly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the system of Dominion lands surveys as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the point of commencement,—is hereby established as a Province of the Dominion of Canada, to be called and known as the Province of Alberta.

Saskatchewan: The territory comprised within the following boundaries, that is to say:—Commencing at the intersection of the International boundary dividing Canada from the United States of America by the west boundary of the Province of Manitoba, thence northerly along the said west boundary of the Province of Manitoba to the North-west corner of the said Province of Manitoba; thence continuing northerly along the centre of the road allowance between the twenty-ninth and thirtieth ranges west of the principal meridian in the system of the Dominion lands surveys, as the said road allowance may hereafter be defined in accordance with the said system, to the second meridian in the said system of Dominion land surveys, as the same may hereafter be defined in accordance with the said system; thence northerly along the said second meridian to the sixtieth degree of north latitude thence westerly along the parallel of the sixtieth degree of north latitude to the fourth meridian in the said system of Dominion lands surveys, as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth meridian to the said International boundary dividing Canada from the United States of America; thence easterly along the said International boundary to the point of commencement,—is hereby established as a Province of the Dominion of Canada to be called and known as the Province of Saskatchewan.

The establishment of the Province of Saskatchewan with the above described boundaries left out that portion of the Provisional districts of Saskatchewan and Athabasca of the North-West Territories lying north of the Manitoba boundary, and these were the only portions of the organized districts not included in the new Provinces.

The territory, the division of which among the Provinces is under consideration, comprises that portion of the North-West Territories which formerly formed part of the Provisional Districts of Saskatchewan and Athabasca lying north of Manitoba, the territory which was formerly the District of Keewatin, and also the territory lying between the Province of Ontario and Hudson's Bay. In this territory three Provinces only are interested, Ontario, Manitoba and Saskatchewan, as these are the only Provinces whose boundaries touch the territory under consideration, and the question is, *How should the territory be distributed among the Provinces?*

In deciding this question it is submitted that it is necessary to ascertain if any of the Provinces have special or paramount claims to any portion of the territory.

The claim of Saskatchewan to that portion of the territory which was formerly part and parcel of the Provisional Districts of Saskatchewan and Athabasca is, it is maintained, absolute and paramount and no other Province has or can have any claim thereto. This portion may be described as follows:—

Bounded on the south by the Province of Manitoba; on the west by the Province of Saskatchewan; on the north by the thirty-second correction line of the Dominion Lands Townships system of survey which is very nearly the sixtieth parallel of north latitude; on the east by a line commencing at the point where the 100th meridian of west longitude intersects the thirty-second correction line aforesaid, thence following the said 100th meridian south to the eighteenth correction line in the said system of survey, thence in an easterly direction along the said eighteenth correction line to the point where the said correction line intersects the Nelson River, thence southerly along the Nelson River to Lake Winnipeg, thence along the northern and western shores of Lake Winnipeg in a southerly direction to the point where it intersects the northern boundary of the Province of Manitoba.

The claim of the Province of Saskatchewan to the territory is paramount because

1. This territory formed part of the organized Districts of Saskatchewan and Athabasca and was under the control and government of the North-West Territories from its organization until the formation of the Province of Saskatchewan when it was not included within the area of that Province.

2. This territory was governed and administered by the Government of the North-West Territories. It was represented in the Legislative Assembly of the North-West Territories, being formerly in the Electoral District of Cumberland, then in the Electoral District of Prince Albert East and after 1902 in the Electoral District of Kinistino. At every election for the Legislative Assembly polling divisions were established in this territory. The laws in force were the laws of the North-West Territories, and these were enforced and administered by the police and judges of the North-West Territories. The legislature of the North-West Territories made the laws for this territory and no other legislature except the Parliament of Canada had any authority therein. This territory was as much a part and parcel of the organized North-West Territories as was the City of Regina or the Municipality of Indian Head and had an equal right to be included within the Province.

3. The inhabitants of this Territory do not want to be included within the Province of Manitoba, but they do want to be included within the Province of Saskatchewan.

This has been made absolutely clear by the people themselves on every occasion on which they had an opportunity of giving expression to their wishes. The first opportunity afforded them for giving expression to their views was in 1901 in the Legislative Assembly of the North-West Territories when a resolution was submitted in the following terms;

"That in the opinion of this House no terms should be accepted for the erection of the Territories into a province or provinces entailing the annexation of any portion thereof to the Province of Manitoba."

The people of this Territory, then part of the Electoral District of Prince Albert East, through their duly accredited representative on the floor of the Assembly (Mr. S. McLeod), protested strongly against any extension of the northern boundary of Manitoba which would include them within that Province.

And again in the year 1902 a resolution was introduced into the Assembly of the North-West Territories, reiterating the position taken the year previous, and on this occasion also the people of this territory, through their representative in the Assembly, declared that they did want to continue to be a part of the North-west Territories and to obtain Provincial status along with the other portions of the said territory. (See Journals of the Assembly 1902.)

But further, the people of this territory are represented in the Parliament of Canada by Dr. E. L. Cash, M.P., one of the representatives of the Province of Saskatchewan, the territory being part of the Electoral District of Mackenzie for federal purposes, and in 1905, when the Saskatchewan Act was before Parliament, the people of this territory through Dr. Cash, their representative, protested against being left outside of the Province of Saskatchewan, then being established. So that on every occasion on which an opportunity presented itself the residents of this territory, through their duly accredited representative, declared their desire to be united with the territory now forming the Province of Saskatchewan and most emphatically negatived the suggestion that they be included within the Province of Manitoba.

THE PEOPLE THEMSELVES PETITION.

But that is not all. The residents of this territory did not rest content with simply giving expression to their views through their accredited representatives. In 1905 when the Saskatchewan Act was before Parliament, and it was known that the territory was not included within the proposed Province of Saskatchewan, the people themselves gave most direct and explicit expression to their views in a petition which they prepared and forwarded to their representative at Ottawa, Dr. Cash, asking that they be included within the Province of Saskatchewan (vide Hansard 1905, Cols. 4833, 4834 and 4835). The petition is in the following words:—

"To the Rt. Hon. Sir Wilfrid Laurier, K.C.M.G.,

Sir:—

We, the undersigned, Electors of Mackenzie District, N.W.T., and residing at or near The Pas, Sask., having learned but recently that an effort is being made by the Government of Manitoba to have that portion of the Territories, lying north of Manitoba, joined to and included in the Province of Manitoba, *and such annexation being repugnant to us*, and as we believe, detrimental to the best interests of this portion of the country, we therefore humbly petition *that our political affiliation may be with the Territories and not with Manitoba*, and in case of Provincial Autonomy being granted the Territories our destiny may be in and with that portion of the Territories of which we form an integral part and for such, as in duty bound, your petitioners will ever pray."

G. Malcron	The Pas, Saskatchewan
M. B Edwards	" "
John H. Gordon	" "
R. F. McDougall	" "
Joseph Courtney	" "
Louison Marcellais	" "
Edward Haight	Cedar Lake.
Dougall McKenzie	Grand Rapids.
Isaiah Buck	The Pas, Saskatchewan.
Charles Head	" "
Joseph McCauley	Red Earth.
Peter Bloomfield	The Pas, Saskatchewan.
and twenty-five others.	

Forty-eight electors of this District petitioned against being included within the boundaries of Manitoba and prayed to be continued in political affiliation with the Province of Saskatchewan.

Could any stronger evidence be submitted? These people on every possible occasion through their representatives protested against being included in Manitoba, but wished to remain with what is now the Province of Saskatchewan, and immediately it was known that they were not included within the Province of Saskatchewan, when the Bill establishing that Province was introduced into Parliament, they by petition directly requested to be taken into that Province. If the wishes of the people of this territory are to be considered, the territory must be joined to the Province of Saskatchewan. It is confidently submitted that the claim of Saskatchewan to

this portion of territory is paramount and beyond dispute. No other Province has the slightest claim to it, and to no other Province should it be given.

Then again the Province of Manitoba was just as anxious, more anxious even, to have the boundary of the Province extended westward to take in a portion of the Districts of Assiniboia and Saskatchewan than it was to have it extended northward to Hudson's Bay. In all their memorials to the Government of Canada dealing with the subject of the extension of the boundaries, Manitoba asked, yes, demanded, that the boundaries be extended westward to include the eastern portion of the Districts of Assiniboia and Saskatchewan.

This demand was refused on the ground set out by the Committee of the Privy Council in a Report under date of 21st March, 1905, in answer to a memorial from the Government of Manitoba praying for an extension westward and northward. The reason given by the Committee was as follows:—

"The Committee further submit that all information in their hands or available indicates that the people occupying the strip of territory in question may be said to be unanimously and determinedly opposed to being united with the Province of Manitoba.

The Committee do not propose to discuss the reasons for the existence of such sentiment nor whether there are just grounds for its existence or not.

The Committee submit that in corroboration of the view expressed above, a resolution of the Legislative Assembly of the North-west Territories, passed on the 20th May, 1901, may be cited."

If the opposition of the people of the eastern portions of the Districts of Assiniboia and Saskatchewan when that opposition was voiced only by their representatives, was a good and sufficient reason for not including these portions within the Province of Manitoba, the opposition of the people of that part of the old Districts of Saskatchewan and Athabasca lying north of Manitoba voiced as it is not only by their duly accredited representatives, but directly by their own petition is, it is submitted, more than sufficient reason for excluding the territory from the Province of Manitoba and for including it in the Province of Saskatchewan. In fact to do otherwise, to force the people into a union with the Province of Manitoba after their own declaration that such a course is "repugnant" to them, would be an act on the part of the Government requiring strong grounds for its justification. Besides, it is maintained that the people occupying this territory have the express promise of the Right Honourable Sir Wilfrid Laurier that they would not be forced into a union with Manitoba against their wishes. In introducing the Bills to establish the Provinces of Alberta and Saskatchewan Sir Wilfrid used the following language in referring to the demand of Manitoba to have included within her boundaries certain portions of the North-West-Territories.

"But is there a member of this House who would advise us that we should carve out of the territories which for thirty-five years have been under the jurisdiction of their own legislature, which are to-day represented by ten members in this House, any portion of what belongs to them and hand over to the Province of Manitoba against the consent of the people of these territories? If they agreed to it well and good, I would have nothing to say, but the Legislature of the Territories has more than once declared that they would not under any circumstances consent to any portion of their territory westward of the Province of Manitoba being taken away from them."

"There is another consideration. For my part, I am prepared to give a full hearing to the Province of Manitoba. When that Province asks to have her limits extended westward, I am bound to say that we cannot entertain that prayer, for this simple reason, that the Territories, through their Legislature, have passed upon it, and have pronounced against it. But I understand that as to a certain portion of territory north of Lake Winnipegosis and Lake Manitoba, the North-West Legislature has declared that it has no pronounced views, and

that that might be given to the Province of Manitoba. But even this I am not prepared for my part to grant at this moment; because members representing that section to-day sit on the floor of this House, and they and their people have the right to be heard on that question; and if they do not agree to it I do not think the Parliament of Canada should make the grant against their wishes."

Here we have the explicit declaration of the Prime Minister that if the people occupying this very territory do not consent to be united with the Province of Manitoba, the Parliament of Canada ought not to make the grant against their wishes.

We now come to the consideration of that portion of the North-west Territories which formerly composed the District of Keewatin, and the Territory lying between the Province of Ontario and Hudson's Bay. This area extending northward as far as the sixtieth parallel of latitude, contains about 277,000 square miles, and the question is, what distribution of this territory should be made, consideration being had to any special circumstances which would give one or more of the Provinces a claim to special treatment.

EACH PROVINCE SHOULD HAVE ACCESS TO HUDSON'S BAY.

One consideration, it is submitted, should be kept constantly in mind, that is, that each province has a right to have its boundaries extended to Hudson's Bay. This was made perfectly clear by the Right Honourable Sir Wilfrid Laurier in his speech to the House of Commons above referred to, introducing the Bills to establish the Provinces of Alberta and Saskatchewan. On that occasion he spoke as follows:—

"Manitoba has asked to have her territory extended to the shore of the Hudson's Bay, and this is a prayer which seems to me to be entitled to a fair hearing. But the Province of Manitoba is not the only one whose territory could be extended towards the Hudson's Bay. The Province of Ontario would have the same right; the Province of Quebec would have also that right, and the new Province of Saskatchewan would have an equal right to have her territory extended to the shore of Hudson's Bay."

The Committee of the Privy Council of the Dominion appointed to consider the memorial of the Manitoba Government in 1905, expressed the opinion that in so far as Manitoba was concerned the desire of the Province to have her boundaries extended to the shores of Hudson's Bay was not an unreasonable one. The report of the Committee contains the following:—

"The Committee are likewise of the opinion that the desire of the Province of Manitoba for an extension of its boundaries to the shores of Hudson Bay is not an unreasonable one."
(See Report of Committee dated March 21, 1905).

It is maintained, that the desire of the Province of Saskatchewan to have her boundaries extended to the shores of Hudson's Bay is equally reasonable.

The Province of Ontario already has her boundaries extending to and bordering upon that part of Hudson's Bay, commonly called James Bay, and it is submitted that no disposition of the territory in question should be considered that does not recognize the right of both Saskatchewan and Manitoba to have their respective boundaries extended to the shores of Hudson's Bay, so that each Province may have direct water communication with the Atlantic Ocean by way of Hudson's Bay and Hudson's Straits.

SASKATCHEWAN SHOULD BE AWARDED THE TERRITORY NORTH OF THE NELSON RIVER.

Recognizing the right of each Province to have access to Hudson's Bay and recognizing the paramount claim of Saskatchewan to those portions of the old provisional Districts of Saskatchewan and Athabasca lying north of the Province of Manitoba, it is confidently contended that that portion of the North-West Territories bordering on Hudson's Bay and lying between the Nelson River and the sixtieth parallel of latitude should be awarded to the Province of Saskatchewan.



If this were done a natural boundary line between the Provinces of Saskatchewan and Manitoba would be found in the Nelson River.

This territory is tributary to Saskatchewan rather than to Manitoba. The rivers flowing through this territory flow from Saskatchewan. In the very near future, it is expected, that this territory will be connected with the Province of Saskatchewan by a railway, one terminus of which will be in Saskatchewan and the other at Fort Churchill.

The laws in force in this territory are practically the laws of Saskatchewan both having continued in force the laws of the North-West Territories and the interests, agricultural, commercial and educational of its people are in a great measure common to the people of Saskatchewan.

The people of Saskatchewan, especially those engaged in agriculture, have a much greater and more direct interest in the opening of a water transportation route via Hudson's Bay to the markets of Europe, than have the people of any other Province. The great fertile plains of Saskatchewan are destined in a few years to produce for export as much grain as all the other Provinces of the Dominion exporting by that route. When it is remembered that in this present year the Province of Saskatchewan produced thirty million bushels of wheat from, roughly speaking, one and one-half million acres, and when it is realized that in the Province there are fifty millions of acres of good arable land as yet unbroken by the plow, some conception can be formed of the enormous production which, in the near future, will take place in Saskatchewan. Even now the transportation systems are unable to satisfactorily handle the output. Complaints of shortage of cars to move the grain are already heard. Even with the opening up of a new transportation artery via Hudson's Bay, the exports from Saskatchewan, will soon overtax the powers of transportation. Manitoba, with her much smaller area of good arable land can never equal in the production of grain the fertile prairies of Saskatchewan, and cannot therefore have as great or as direct an interest in the possession of the seaport at the Churchill as has the Province of Saskatchewan.

The awarding to Saskatchewan of the territory north of the Nelson River does not, it is submitted, interfere with the granting of Manitoba's reasonable request to have her boundaries extended to Hudson's Bay. From the mouth of the Nelson River to where the Province of Ontario touches James Bay there is a Coast line of several hundred miles in length with which Manitoba's desire for an extension to the Bay can be gratified.

Further, it is submitted, that there is a vast expanse of territory lying south and east of the Nelson River, being part of the North-West Territories and containing some 208,000 square miles which is available for the purpose of satisfying Manitoba's demand for increased area, on the ground that her present area is much smaller than that of the other western Provinces. If this entire portion were given to Manitoba, that Province would contain an area of over 280,000 square miles, a larger area than is possessed by any other Province of Canada, except the Province of Quebec and the Province of British Columbia. Even if the Province of Ontario is considered to be entitled to recognition in the distribution of this territory, it is maintained, that there is a sufficient area south and east of the Nelson River to satisfy all legitimate claims for an extension of boundaries both of the Province of Manitoba and the Province of Ontario.

RECAPITULATION.

The above shows:—

1. That those portions of the old Districts of Saskatchewan and Athabasca, not included in the Province of Saskatchewan have been for the past twenty years and should continue to be united with the area forming that Province.

2. That the Province of Saskatchewan and the Province of Manitoba are both entitled to have their boundaries extended to Hudson's Bay.

3. That, granting to the Province of Saskatchewan those portions of the old Districts of Saskatchewan and Athabasca, the Nelson River forms a natural boundary, and the only reasonable boundary between that Province and the Province of Manitoba.

4. That the territory north of the Nelson River is tributary to the Province of Saskatchewan rather than to the Province of Manitoba, and the interests of its people are more closely allied with Saskatchewan.

5. That the Province of Saskatchewan has a much greater interest in a transportation route via Fort Churchill, and Hudson's Bay, to the European market than has either the Province of Manitoba or the Province of Ontario.

6. That by awarding the territory north of the Nelson River to Saskatchewan no injustice will be done. There is still over 208,000 square miles of equally good territory with several hundred miles of Coast line left, which is amply sufficient to satisfy all reasonable claims both of the Province of Manitoba and the Province of Ontario.

Supplementary Statement submitted on behalf of the Province of Saskatchewan with reference to the claim of the Province for an extension of boundaries to Hudson's Bay.

The undersigned representing the Province of Saskatchewan, did not, until the time of the Conference held to-day (November 12th, 1906), see the statements presented on behalf of the Provinces of Manitoba and Ontario. Having examined the same, they beg to leave submit the following supplementary memorandum.

It is observed that the Government of Ontario recommends the extension of the Province of Manitoba northward so as to take in Fort Churchill by producing the "eastern boundary of Manitoba northward until it strikes the Churchill River; the middle of the channel of said river should then become the boundary until the river debouches into Hudson's Bay; and that the remainder of the territory of Keewatin lying to the eastward of such boundary line be allotted to Ontario."

By the statements submitted in behalf of the respective Provinces, it is clearly established that Saskatchewan possesses a strong, legitimate, prior claim with respect to a portion of the territory in question; that Manitoba, on account of the smallness of her area, possesses a very strong equitable claim to an increase of territory; and that Ontario can urge neither a similar claim as regards any of the territory in question, nor as regards need for additional area. In view of these facts and of Ontario's recommendation the undersigned, on behalf of the Province of Saskatchewan, request permission to suggest that in generosity to Manitoba the Province of Saskatchewan will not wish to yield first place to Ontario. They, therefore, following Ontario's example, take the liberty to submit:

1. That in their opinion the boundaries of Manitoba should be extended northward and eastward so as to include all of the present North-West Territory lying south and east of the Nelson River.

2. That the remainder of the territory lying between the Province of Saskatchewan and Hudson's Bay and between the sixtieth parallel of North latitude and the Nelson River, be allotted to the Province of Saskatchewan.

The Government of Manitoba puts forward a claim to the area which was formerly the District of Keewatin on the ground that the Lieutenant-Governor of Manitoba was connected with the administration of that territory. In reference to this, the undersigned desire to point out that any connection which the Lieutenant-Governor of Manitoba had with the administra-

tion of Keewatin, was not as Lieutenant-Governor of Manitoba, but in a separate and independent capacity; he being Lieutenant-Governor of both Manitoba and Keewatin. The Government of Manitoba had no jurisdiction whatever over Keewatin.

But the undersigned wish to point out further that if this contention of Manitoba be considered a sound one, the Province of Saskatchewan is entitled, not only to those portions of the old Districts of Saskatchewan and Athabasca not included within the Province, but also to Fort Churchill and the surrounding territory because Fort Churchill and the territory lying to the east of the easterly boundary of Manitoba produced northerly, is not and never was in the District of Keewatin, but always formed part of the North-West Territories and was under the direct administration of the Government of the North-West Territories, whose successor is the Government of Saskatchewan. (See Keewatin Act). To claim Keewatin on the above ground on behalf of Manitoba, is, it is submitted, conceding the claim of Saskatchewan to the territory over which the Government of the North-West Territories had jurisdiction.

It is noted that the Government of Manitoba bases an argument on the statement that in 1898 the Territorial Legislature by majority (not unanimously) expressed willingness that all the area lying north of Manitoba should be allotted to that Province. The undersigned respectfully submit that the Manitoba Government has repeatedly and voluminously by the character of its representations abandoned, and deprived itself of, any right to urge this argument.

In 1901 the Legislature of Manitoba passed a Resolution asking for an extension of boundaries westward and northward. Again in the following year (1902) the Legislature reiterated the claims previously made and unanimously passed a resolution which contained the following:—

"Whereas it is believed that the extension of the boundaries of the Province, so as to be and include a portion of the eastern portion of the Districts of Assiniboia and Saskatchewan, in the North-West Territories, and northward to Hudson's Bay, would largely tend to the material advantage of both Manitoba and of those persons within and that may hereafter become residents of the said proposed extended territory; and

Whereas the Province of Manitoba possesses legislative powers and advantages of an educational, commercial, benevolent, and charitable character not at present possessed or enjoyed by the North-West Territories.

Therefore let it be resolved;—

1. That the House is of the opinion that it is desirable, both in the interests and for the welfare of the Province of Manitoba and the North-West Territories, that the area of the former should be increased by an extension of boundaries so as to embrace and include a portion of the Districts of Assiniboia and Saskatchewan and northwards to Hudson's Bay; and

Whereas the House desires to re-affirm the foregoing resolution, believing, as it does, that the early extension of the boundaries of the Province of Manitoba westward and northward to Hudson's Bay is of the highest importance to the interests of the Province and the territory proposed to be added.

Therefore let it be resolved;—

1. That an humble address, setting forth the allegations set forth in the foregoing resolutions, previously adopted by this House, with such other data as the exigency of the case may require, be prepared by such members of this House as comprise the Executive, and presented to His Excellency the Governor-General, praying that His Excellency-in-Council will be pleased to take such action as shall result in the boundaries of the Province of Manitoba being extended westward and northward to Hudson's Bay at an early date."

In subsequent years the Legislature of Manitoba repeated its demands for the inclusion within that Province of the eastern portion of the Districts of Assiniboia and Saskatchewan as well as an extension of the boundaries northward to Hudson's Bay. Even as late as February 23, 1905, Manitoba, through Messrs. Rogers and Campbell, members of the Manitoba Government, protested to Sir Wilfrid Laurier against his decision not to extend the boundaries of Manitoba westward. In a letter addressed by them to Sir Wilfred the following appears:—

"In view of Manitoba's strong claims, we presented to you in the memorial unanimously passed by our Legislature, and supported and supplemented in our interview, we must enter, on behalf of the Province, our firm protest against your decision in refusing to grant the prayer of our request for the extension of our boundaries westward, and exceedingly regret that apparently local considerations have deprived Manitoba of what she rightfully regards as a most just claim."

Since 1884 therefore Manitoba has made two demands on the Dominion Government in reference to the boundary question.

First; A westward extension of the boundaries of the Province so as to include the eastern portion of Assiniboia and Saskatchewan, and

Second; An extension northward to the shores of Hudson's Bay.

Attention is called to Manitoba's persistent demand for an extension westward, repeated time and again, reiterated by way of protest as late as February, 1905, and which even finds further expression in the Manitoba Memorandum dated September, 1906, submitted at to-day's Conference, and all in the face of and with full and admitted knowledge of the contrary expressed wishes of the people inhabiting the area involved in such proposed westward extension and of the declarations on the subject by the body which the Manitoba Government now terms "the constituted representative authority of the North-West Territories." It is respectfully submitted that this attitude of Manitoba towards a positive declaration of "constituted representative authority" shuts the door against any argument by Manitoba based upon a merely implied declaration of the same authority. And attention is again drawn to the fact that on no occasion did the elected representatives in the Legislature or in Parliament of the area lying north of Manitoba, fail to strongly voice the wish of the inhabitants thereof to be attached to Saskatchewan and not to be attached to Manitoba.

The undersigned earnestly submit that the development and administration of the area lying north of the Nelson River can be best secured by the Province of Saskatchewan because of its geographical conformation in relation to Saskatchewan, which insures that the proposed railway to connect the prairie wheat lands with Hudson's Bay shall run from a point in the present Province of Saskatchewan to Fort Churchill. That the interest of Saskatchewan in the Hudson's Bay route is paramount cannot but be evident when we consider the respective distances from the centers of Manitoba and Saskatchewan to Hudson's Bay and to the head of Lake Superior. The centre of Manitoba is distant from Fort William approximately 500 miles and from Fort Churchill by the shortest practicable route 750 or 800 miles, while on the other hand the centre of Saskatchewan is distant from Fort William approximately 800 miles and from Fort Churchill only 500 or 550 miles.

The undersigned, in conclusion, submit that notwithstanding the claims and pleas put forward by any Province with respect to areas outside of provincial jurisdiction it is the duty of the responsible Dominion authority in allotting such areas to keep first in view the interest and welfare of the actual and prospective inhabitants of the areas themselves, and that by so doing the general interest of the Dominion of Canada will be conserved. They have confidence that if such principle be observed with regard to the area lying north of the Nelson River the same will be restored to association with and allotted to the Province of Saskatchewan.

(Signed) WALTER SCOTT.
J. H. LAMONT.

Ottawa, November 12, 1906.